

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**DERRICK PERRY, individually and on
behalf of other similarly situated persons,**

Plaintiff,

v.

NATIONAL CITY MORTGAGE, INC.,

Defendant.

Case No. 05-cv-891-DRH

ORDER

HERNDON, District Judge:

Before the Court is a Join Motion to Stay and Approval of Tolling Agreement (Doc. 66), submitted by the parties. The Motion seeks a stay in this matter until October 17, 2007, so that the parties can seek to resolve this dispute through settlement discussions and mediation. Although the parties request that a stay include all deadlines, issuance of class notice, discovery and rulings on outstanding motions, they ask that Plaintiff still have the right to file Consent to Join forms for any person wanting to join this case as well as allowing the applicable statute of limitations applicable to claims under the FLSA of any potential class members who file opt-in forms be tolled from July 17, 2007 until October 17, 2007.

In order to encourage a global resolution of this dispute without prejudicing the rights of the putative class members or parties, the Joint Motion (Doc. 66) is **GRANTED**. As such, all pending deadlines, issuance of class notice,

discovery and rulings on outstanding motions are hereby **STAYED** until **October 17, 2007**. During this stay, however, Plaintiff still has the right to file Consent to Join forms for any person wanting to join this case. Further, this Order serves to **TOLL** the applicable FLSA statute of limitations *from the date of issuance of this Order* until October 17, 2007.

Lastly, the Court **ACKNOWLEDGES** the Notice (Doc. 65), submitted by the parties jointly withdrawing the Joint Motion for Stay and Approval of Tolling Agreement (Doc. 63) filed on July 9, 2007.¹ Such Motion (Doc. 63) is hereby **WITHDRAWN FROM THE RECORD**.

IT IS SO ORDERED.

Signed this 20th day of July, 2007.

/s/ David RHerndon
United States District Judge

¹ The parties withdrew this Motion to file the subsequent Motion at issue in this case (Doc. 66), filed on July 18, 2007, which stated a date certain for the duration of the requested stay.